

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMERICAN CIVIL LIBERTIES UNION OF
MASSACHUSETTS and AMERICAN
OVERSIGHT,

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendant.

C.A. No. 1:21-cv-10761-AK

RENEWED MOTION FOR DISCOVERY

Plaintiffs hereby move that the Court authorize a discovery period for plaintiffs to take the following targeted discovery concerning ICE's failure to collect and purported destruction of records stored on government-issued mobile devices:

1. One set of interrogatories, of up to five (5) questions.
2. One set of document requests, of up to six (6) requests.
3. A deposition of up to four (4) hours of ICE's declarant Richard Clark, to be held at a mutually convenient location in Washington, D.C.
4. A Rule 45 deposition of up to three (3) hours of Jon Feere. (Plaintiffs request that ICE be directed to bring Mr. Feere's government-issued mobile device to the deposition, so that any access codes provided by Mr. Feere and any biometric access options can be tested in real time.)

Plaintiffs respectfully suggest that this limited, focused discovery would materially aid the parties and the Court in evaluating whether ICE has met its burden in this case. Plaintiffs believe that this discovery could be completed in 90 days, subject to extension for good cause shown.

As further grounds, plaintiffs refer to the memorandum in support of this motion filed herewith.

Dated: December 22, 2022

Respectfully submitted,

/s/ Daniel L. McFadden

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LOCAL RULE 7.1 AND 37.1 CERTIFICATE

I hereby certify that plaintiffs conferred with opposing counsel by telephone on December 8, 2022, for approximately 15 minutes. Present on the call were Katherine Anthony for American Oversight, Daniel McFadden for ACLU of Massachusetts, and AUSA Thomas Kanwit for ICE. ICE opposes this motion.

Dated: December 22, 2022

/s/ Daniel L. McFadden
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